



# ORIGINAL APCO International

ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS INTERNATIONAL, INC.

EX PARTE OR LATE FILED

December 16, 1999

EXECUTIVE DIRECTOR  
John K. Ramsey

APCO INTERNATIONAL  
HEADQUARTERS  
2040 SOUTH RIDGEWOOD AVENUE  
SOUTH DAYTONA, FLA. 32119-8347  
888 APCO 9-1-1 OR 904-322-2500

APCO INTERNATIONAL  
GOVERNMENT AFFAIRS OFFICE  
1666 K STREET, NW SUITE 1100  
WASHINGTON, D.C. 20006-2897

The Honorable William Kennard  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: Written *Ex Parte* Communication in WT Docket  
99-168, and WT Docket 96-86

Dear Mr. Chairman:

#### BOARD OF OFFICERS

PRESIDENT  
Joe Hanna  
Richardson Police Department  
P.O. Box 831078  
Richardson, TX 75083-1078  
1-972-238-3818  
president@apcointl.org

PRESIDENT-ELECT  
Lyle Gallagher  
North Dakota State Radio  
Communications  
P.O. Box 5511  
Bismark, ND 58502-5511  
1-701-328-8150  
pres-elect@apcointl.org

FIRST VICE PRESIDENT  
Glen Nash  
California General Services  
601 Sequoia Pacific Boulevard  
Sacramento, California 95814-0282  
1-916-657-9454  
first-vp@apcointl.org

SECOND VICE PRESIDENT  
Thom Bradsheaw  
Clark Regional  
Communications Agency  
710 W. 13th Street  
Vancouver, WA 98660-2810  
1-360-737-1911, ext. 3948  
second-vp@apcointl.org

As you know, the Association of Public-Safety Communications Officials-International, Inc. ("APCO") has repeatedly expressed concerns regarding potential harmful interference from new users of the 746-764/776-794 MHz band adjacent to public safety radio operations in the new public safety radio service band at 764-776/794-806 MHz. On December 9, 1999, I and other representatives of APCO and other public safety organizations met with your staff and other Commission personnel regarding this issue, as summarized in a letter from our counsel to the Commission, dated December 13, 1999. APCO has argued that, in addition to non-interference rules and out-of-band emissions limits, there must also be "operational" interference protections such as the frequency coordination procedures now used between public safety and other private wireless radio services. This letter will briefly address certain aspects of recent correspondence to the Commission from both FreeSpace Communications and Motorola. We understand that this matter is ripe for imminent Commission decision.

FreeSpace Communications has advocated that the spectrum immediately adjacent to the public safety band be allocated for a new low power density radio service that it claims would not interfere with public safety operations. Numerous technical documents regarding this proposal have been submitted in recent weeks and days by FreeSpace and other parties. APCO has not reached any definitive

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conclusion regarding that information and, in any event, has been concerned that the FreeSpace proposal would not involve frequency coordination. On December 14, 1999, FreeSpace submitted a letter to the Commission stating for the first time it would "comply with frequency coordination procedures." However, APCO does not believe that FreeSpace's mere acceptance of "frequency coordination" in its December 14 letter is adequate by itself to address our concerns regarding interference.

Based on the information currently on the record, it is at best unclear how such frequency coordination would work for the type of service that FreeSpace proposes. The ubiquitous nature of its service, the absence of site-specific licensing for transmitters, and the apparent lack of control over transmitter location and movement all raise significant issues. Of particular importance, there is no information on the record as to how FreeSpace could "coordinate" its frequency use to prevent life-threatening interference to a portable radio used by a police officer, firefighter, or paramedic responding to an emergency in close proximity to a FreeSpace transmitter. Unlike private wireless base stations, which are relatively few in number and operate from fixed, licensed locations, FreeSpace transmitters will be deployed in huge numbers in concentrated areas, greatly increasing the potential that a public safety user will unknowingly come into close contact with a potentially interfering transmitter.


Apart from the FreeSpace proposal, Motorola submitted an *ex parte* letter on December 13, 1999, which, among other matters, suggests that the Commission reverse the public safety mobile and base transmit and receive bands from that currently set forth in Commission rules adopted in WT Docket 96-86. APCO does not support such a reversal, which would draw into question the ability to integrate 700 MHz public safety radio systems with the substantial number of public safety systems operating above 806 MHz. One of the principal reasons for allocating the 764-776/794-806 MHz band for public safety services and selecting the current band plan is the proximity to public safety bands above 806 MHz and the potential for integrated and interoperable radio systems across those bands. Changing the band plan as now suggested by Motorola could substantially undermine that capability, and should not be undertaken without careful review and input from the public safety community and the Public Safety National Coordinating Committee.

APCO will review and, if necessary, comment upon any further information submitted to the Commission. However, APCO believes that the issue of protecting public safety users from interference is far too important to be addressed in eleventh hour correspondence regarding

new, uncertain technologies. These technical matters should be the subject of careful review and discussion by Commission engineering staff, equipment manufacturers and, most importantly, the public community.

Please contact me or our counsel in Washington, Robert Gurss (202-662-4856) should you have any questions or need additional information.

Respectfully submitted,



Joe Hanna  
President

cc: Commissioner Susan Ness  
Commissioner William Powell  
Commissioner Gloria Tristani  
Commissioner Harold Furchtgott-Roth  
Ari Fitzgerald, Esq.  
Mark Schnelder, Esq.  
Peter Tenhula, Esq.  
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